

next year on whether current practices should be changed.

While I didn't agree with DIRK KEMPTHORNE on many of the specifics of his Unfunded Mandate legislation in 1995, I, like many of my colleagues in the Senate, was greatly impressed with the manner in which he managed the bill and his command of the complex details.

Mr. Chairman, in the United States Senate we are called upon to work with colleagues of many differing points of view. While DIRK KEMPTHORNE and I sit on separate sides of the aisle and sometimes disagree on issues before the Senate, it has always been a pleasure to deal with him. He is always an able advocate for his position, and always a gracious gentleman.

WHY THE FLAG AMENDMENT DEBATE IS APPROPRIATE NOW

Mr. HATCH. Mr. President, I would like to make a few very brief remarks about our inability to get a time agreement on the flag amendment, and respond to the assertion that it is somehow inappropriate to debate this important issue at this time. I think it is entirely appropriate that we debate the constitutional amendment to protect our flag at this time in the year. There is no better time than the present to discuss the values the flag represents: the unity and common values of all Americans.

The flag amendment should, like the flag itself, unite us. And it does unite Americans of both parties. This amendment is cosponsored by 61 Members of the Senate, Republicans and Democrats. Senator CLELAND, a war hero, who has sacrificed much, and who is a Democrat, is the primary cosponsor.

And ultimately, all we supporters of the amendment are asking for is a chance to let the American people decide whether to protect the flag by debating the amendment in ratification debates in each of the State legislatures. And the people clearly want the flag amendment. Forty-nine State legislatures have called for the flag amendment. And polling has consistently shown that more than three-quarters of the American people have consistently supported a flag amendment over the years since the Supreme Court's fateful decision in *Texas versus Johnson* in 1989.

Mr. President, I believe this legislation not only is vital to protect our shared values as Americans, but this debate is also timely today as we all strive to recover what is good and decent about our country.

Mr. President, we see evidence of moral decay and a lack of standards all around us. Behavior that was once found to be shameful is now routinely excused because "everybody does it." Our popular culture, including movies and television, bombard us with messages of gratuitous sex and violence. Even sports figures too often set a terrible example for the young people that follow their every move.

And yet here today we have a unique opportunity to do something uplifting, something decent, something that will make our country proud. We have an opportunity to say to a few exhibitionists and anarchists that in pursuit of your fifteen minutes of fame, you may not deface the most sacred embodiment of the virtues of our country. You may not dishonor the memory of those millions of men and women who have given their lives for America. You may not yet again lower standards of elemental decency that all of must and should live by. Today, we will say that our flag, the embodiment of so many of our hopes and dreams, can no longer be dragged through the mud, torn asunder, or defecated on.

Can anyone think of a better message to send to our citizens and to our young people than to begin to reclaim appropriate standards of behavior for everyone in this country? Mr. President, there will be those who will decry this discussion as a distraction from "real" and "important" matters of taxes and budgets and regulation and other Federal programs. These issues are important and the Congress must deal with them. But that should not obscure our inattention to the "values deficit" that exists in public life today. We need more public conversation about values and standards. We must take every opportunity to set the right behavioral standards for our children, lest we become a nation of cynics who snicker every time someone tries to re-instill virtue into public life.

And so, Mr. President, not only is this discussion appropriate today, but it is critical. I can think of no more important conversation we can have in America than how we use American liberty to promote public virtue.

Protecting the American flag from physical desecration is a small but important way to begin this important debate.

Now, having said all that, I am disappointed that opponents of the flag amendment have rejected a reasonable time agreement, without even offering an alternative time agreement. I would be interested to know what would be acceptable.

Finally, if it should be the case that we are not going to debate the flag amendment this year, and that is how it appears, I believe we should bring it up early in the new Congress, and debate and vote on it at the earliest opportunity next year. I want my colleagues to know that I will be back next year and I will trust that this important matter will be acted on early in the next session. The American people want the opportunity to debate the flag amendment in the States, and I believe we should listen to the people on this.

FAILURE TO ACHIEVE JUVENILE CRIME LEGISLATION

Mr. HATCH. Mr. President, I would like to briefly discuss an issue of great

importance to the Senate and the nation—juvenile crime. Over the past weeks, we have been working hard to try to reach consensus on comprehensive legislation to address juvenile crime in our nation. I am disappointed to report to my colleagues that we have fallen short in that effort.

The sad reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, as our juvenile drug abuse rate continues to climb. In 1996, juveniles accounted for nearly one fifth—19 percent—of all criminal arrests in the United States. Persons under 18 committed 15 percent of all murders, 17 percent of all rapes, and 32.1 percent of all robberies.

And although there are endless statistics on our growing juvenile crime problem, one particularly sobering fact is that, between 1985 and 1993, the number of murder cases involving 15-year olds increased 207 percent. We have kids involved in murder before they can even drive.

In short, our juvenile crime problem has taken a new and sinister direction. But cold statistics alone cannot tell the whole story. Crime has real effect on the lives of real people. Recently, I read an article in the *Richmond Times-Dispatch* by my good friend, crime novelist Patricia Cornwell. It is one of the finest pieces I have read on the effects of and solutions to our juvenile crime problem, and I ask unanimous consent that it be printed in the *RECORD* following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, let me share with my colleagues some of what Ms. Cornwell, who has spent the better part of her adult life studying and observing crime and its effects, has to say. She says "when a person is touched by violence, the fabric of civility is forever rent, or ripped, or breached * * *." This a graphic but accurate description. Countless lives can be ruined by a single violent crime. There is, of course, the victim, who may be dead, or scarred for life. There are the family and friends of the victim, who are traumatized as well, and who must live with the loss of a loved one. Society itself is harmed, when each of us is a little more frightened to walk on our streets at night, to use an ATM, or to jog or bike in our parks. And, yes, there is the offender who has chosen to throw his or her life away. Particularly when the offender is a juvenile, family, friends, and society are made poorer for the waste of potential in every human being. One crime, but permanent effects when "the fabric of civility is rent."

This is the reality that has driven me to work even up to the closing hours of the session to address this issue. For nearly a year, the Senate has had before it comprehensive youth violence legislation. S. 10, the Hatch-Sessions Violent and Repeat Juvenile Offender Act, was reported out of the Judiciary

Committee last year on bipartisan vote, two to one vote. This legislation would have fundamentally reformed the role played by the federal government in addressing juvenile crime in our Nation. It was supported by law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the National Council of Juvenile and Family Court Judges, and victim's groups including the National Victims Center and the National Organization for Victims Assistance.

S. 10 was reported on a bipartisan, two to one vote. Indeed, among members of the Youth Violence Subcommittee, the vote was seven to two in favor of the bill. Our reform proposal included the best of what we know works. It combined tough measures to protect the public from the worst juvenile criminals, smart measures to provide intervention and correction at the earliest acts of delinquency, and compassionate measures to supplement and enhance extensive existing prevention programs to keep juveniles out of the cycle of crime, violence, drugs, and gangs.

All too often, the juvenile justice system ignores the minor crimes that lead to the increasingly frequent serious and tragic juvenile crimes capturing headlines. Unfortunately, many of these crimes might have been prevented had the warning signs of early acts of delinquency or antisocial behavior been heeded. A delinquent juvenile's critical first brush with the law is a vital aspect of preventing future crimes, because it teaches an important lesson—what behavior will be tolerated.

According to a recent Department of Justice study, juveniles adjudicated for so-called index crimes—such as murder, rape, robbery, assault, burglary, and auto theft—began their criminal careers at an early age. The average age for a juvenile committing an index offense is 14.5 years, and typically, by age 7, the future criminal is already showing minor behavior problems. If we can intervene early enough, however, we might avert future tragedies. That is why we seek to reform federal policy that has been complicit in the system's failure, and provide states with much needed funding for a system of graduated sanctions, including community service for minor crimes, electronically monitored home detention, boot camps, and traditional detention for more serious offenses.

And let there be no mistake—detention is needed as well. As Ms. Cornwell recently wrote, "our first priority should be to keep our communities safe. We must remove violent people from our midst, no matter their age. . . . When the trigger is pulled, when the knife is plunged, kids aren't kids anymore. We should not shield and give excuses and probation to violent juveniles who, odds are, will harm or kill

again if they are returned to our neighborhoods and schools." I couldn't have said it any better.

Meaningful reform also requires that juvenile's criminal record ought to be accessible to police, courts, and prosecutors, so that we can know who is a repeat or serious offender. Right now, these records simply are not available in NCIC, the national system that tracks adult criminal records. Ms. Cornwell again cogently explains what this means: "If a juvenile commits a felony in Virginia, when he turns 18 his record is not expunged and will follow him for the rest of his days. But were he to commit the same felony in North Carolina, at 16 he'll be released from a correctional facility with no record of any crime he committed in that state. Let's say he's back on the street and returns to Virginia. Now he's a juvenile again, and police, prosecutors, judges or juries will never know what he did in North Carolina.

If he moves to yet another state where the legal age is 21, he can commit felonies for three or four more years and have no record of them, either. Maybe by then, he's committed fifteen felonies but is only credited with the one he committed in Virginia. Maybe when he becomes an adult and is violent again, he gets a light sentence or even probation, since it appears he's committed only one felony in his life instead of fifteen. He'll be back among us soon enough. Maybe his next victim will be you."

So the reform we sought also provides the first federal incentives for the integration of serious juvenile criminal records into the national criminal history database, together with federal funding for the system.

Mr. President, I believe that we all agree that it is far better to prevent the fabric of civility from being rent than to deal with the aftermath of juvenile crime.

I have been involved in this fight for over three years now. Rarely have I found an issue over which interest group opponents were more determined to block needed reforms through distortions of the record.

In no small measure, in my view, this harmful posturing has brought us to where we are today—just short of achieving important reform legislation. I believe that we must look to the greater good, and limit—in the interests of our children and public safety—the posturing which too often infects criminal justice issues.

Let me take just a moment to acknowledge the efforts of members on both sides of the aisle who have worked in good faith to try and address this issue in a responsible manner. Senator LEAHY and Senator BIDEN deserve enormous credit. And I want to particularly thank Senator SESSIONS, the Chairman of our Youth Violence Subcommittee for his many months of determined work. We will be back on this issue next Congress. It will not go away, any more than the problem will go away

until we address it. So, I will be urging the Majority Leader, when he sets our agenda for next year, to make enacting a responsible juvenile crime bill among our top legislative priorities in the 106th Congress. Mr. President, I thank my colleagues and yield the floor.

EXHIBIT 1

WHEN THE FABRIC IS RENT
(By Patricia Cornwell)

There was a saying in the morgue during those long six years I worked there. When a person is touched by violence, the fabric of civility is forever rent, or *ripped* or *breached*, whatever word is most graphic to you.

Our country is the most violent one in the free world, and as far as I'm concerned, we are becoming increasingly incompetent in preventing and prosecuting cruel crimes that we foolishly think happen only to others. There was another saying in the morgue. The one thing every dead person had in common in that place was he never thought he'd end up there. He never imagined his name would be penned in black ink in the big black book that is ominously omnipresent on a counter top in the autopsy suite.

I have seen hundreds, maybe close to a thousand dead bodies by now, many of them ruined by another person's hands. I return to the morgue at least two or three times a year to painfully remind myself that what I'm writing about is awful and final and real.

I suffer from nightmares and don't remember the last time I had a pleasant dream. I have very strong emotional responses to crimes that have nothing to do with me, such as Versace's murder, and more recently, the random shooting deaths of Capitol Police Agent John Gibson and Officer Jacob Chestnut. I can't read sad, scary or violent books. I watched only half of *Titanic* because I cold not bear its sadness. I stormed out of Ann Rice's *Interview With A Vampire*, so furious my hands were shaking because the movie is such an outrageous trivialization and celebration of sexual violence. For me the suffering, the blood, the deaths are real.

I'd like to confront Ann Rice with bitemarks and other sadistic wounds that are not special effects. I'd like to sentence Oliver Stone to a month in the morgue, make him sit in the cooler for a while and see what an audience of victims has to say about his films. I'd like O.J. Simpson to have a total recall and suffer, go broke, be ostracized, never allowed on a golf course again. I was in a pub in London when that verdict was read. I'll never forget the amazed faces of a suddenly mute group of beer-drinking Brits, or the shame of my friends and I felt because in America it is absolutely true. Justice is blind.

Justice has stumbled off the rod of truth and fallen headlong into a thicket of subjective verdicts where evidence doesn't count and plea bargains that are such a bargain they are fire sales. I've begun to fear that the consequences and punishment of violent crime have become some sort of mindless multiple choice, a *Let's Make A Deal*, a *Let's microwave the popcorn and watch Court TV*.

I have been asked to tell you what my fictional character Dr. Scarpetta would do if she were the crime czar or Virginia, of America. Since she and I share the same opinions and views, I am stepping out from behind my curtain of imagined deeds and characters and telling you what I feel and think.

It startles me to realize that at age 42, I have spent almost half my life studying crime, of living and working in it's pitifully cold, smelly, ugly environment. I am often asked why people cheat, rob, stalk, slander, maim and murder. How can anybody enjoy causing another human being or any living

creature destruction and pain? I will tell you in three words: Abuse of power. Everything in life is about the power we appropriate for good or destruction, and the ultimate overpowering of a life is to make it suffer and end.

This includes children who put on camouflage and get into the family guns. We don't want to believe that 12, 13, 16 year old youths are unredeemable. Most of them aren't. But it's time we face that some of them have transgressed beyond forgiveness, certainly beyond trust. Not all victims I have seen pass through the morgue were savaged by adults. The creative cruelty of some young killers is the worst of the worst, images of what they did to their victims ones I wish I could delete.

About a year ago, I began researching juvenile crime for the follow-up of *Hornet's Nest* (*Southern Cross*, January, '99) and my tenth Scarpetta book (unfinished and untitled yet). This was a territory I had yet to explore. I was inspired by the depressing fact that in the last ten years, shootings, hold-ups at ATM's, and premeditated murders committed by juveniles have risen 160 percent. As I ventured into my eleventh and twelfth novels, I wondered what my crusading characters would do with violent children.

So I spent months in Raleigh watching members of the Governor's Commission on Juvenile Crime and Justice debate and rewrite their juvenile crime laws, as Virginia did in 1995 under the leadership of Jim Gilmore. I quizzed Senator ORRIN HATCH about his youth violence bill, S. 10, a federal approach to reforming a juvenile justice system that is failing our society. I toured detention homes in Richmond and elsewhere. I sat in on juvenile court cases and talked to inmates who were juveniles when they began their lives of crime.

While it is true that many violent juveniles have abuse, neglect, and the absence of values in their homes, I maintain my belief that all people should be held accountable for their actions. Our first priority should be to keep our communities safe. We must remove violent people from our midst, no matter their age. As Marcia Morey, executive director of North Carolina's juvenile crime commission, constantly preaches, "We must stop the hemorrhage first."

When the trigger is pulled, when the knife is plunged, kids aren't kids anymore. We should not shield and give excuses and probation to violent juveniles who, odds are, will harm or kill again if they are returned to our neighborhoods and schools. We should not treat young violent offenders with sealed lips and exclusive proceedings.

"The secrecy and confidentiality of our system have hurt us," says Richmond Juvenile and Domestic Relations District Court Judge Kimberly O'Donnell. "What people can't see and hear is often difficult for them to understand."

Virginia has opened its courtrooms to the public, and Judge O'Donnell encourages people to sit in hers and see for themselves those juveniles who are remorseless and those who can be saved. Most juveniles who end up in court are not repeat offenders. But for that small number who threaten us most, I advocate hard, non-negotiable judgement. Most of what I would like to see is already being done in Virginia. But we need juvenile justice reform nationally, a system that is sensible and consistent from state to state.

As it is now, if a juvenile commits a felony in Virginia, when he turns 18 his record is not expunged and will follow him for the rest of his days. But were he to commit the same felony in North Carolina, at 16 he'll be released from a correctional facility with no record of any crime he committed in that state. Let's say he's back on the street and

returns to Virginia. Now he's a juvenile again, and police, prosecutors, judges or juries will never know what he did in North Carolina.

If he moves to yet another state where the legal age is 21, he can commit felonies for three or four more years and have no record of them, either. Maybe by then he's committed fifteen felonies but is only credited with the one he committed in Virginia. Maybe when he becomes an adult and is violent again, he gets a light sentence or even probation, since it appears he's committed only one felony in his life instead of fifteen. He'll be back among us soon enough. Maybe his next victim will be you.

If national juvenile justice reform were up to me, I'd be strict. I would not be popular with extreme child advocates. If I had my way, it would be routine that when any juvenile commits a violent crime, his name and personal life are publicized. Records of juveniles who commit felonies should not be expunged when the individual becomes an adult. Mug shots, fingerprints and the DNA of violent juveniles should, at the very least, be available to police, prosecutors, and schools, and if the young violent offender has an extensive record and commits another crime, plea bargaining should be limited or at least informed.

Juveniles who rape, murder or commit other heinous acts should be tried as adults, but judges should have the discretionary power to decide when this is merited. I want to see more court-ordered restitution and mediation. Let's turn off the TV's in correctional centers and force assailants, robbers, thieves to work to pay back what they've destroyed and taken, as much as that is possible. Confront them with their victims, face to face. Perhaps a juvenile might realize the awful deed he's done if his victim is suddenly a person with feelings, loved ones, scars, a name.

Prevention is a more popular word than punishment. But the solution to what's happening in our society, particularly to our youths, is simpler and infinitely harder than any federally or private funded program. All of us live in neighborhoods. Unless you are in solitary confinement or a coma, you are aware of others around you. Quite likely you are exposed to children who are sad, lost, ignored, neglected or abused. Try to help. Do it in person.

I remember my first few years in Richmond when I was living at Union Theological Seminary, where my former husband was a student and I was a struggling, somewhat failed writer. Charlie and I spent five years in a seminary apartment complex where there was a little boy who enjoyed throwing a tennis ball against the building in a staccato that was torture to me.

I was working on novels nobody wanted and every time that ball thunked against brick, I lost my train of thought. I'd popped out of my chair and fly outside to order the kid to stop, but somehow he was always gone without a trace, silence restored for an hour or two. One day I caught him. I was about to reprimand him when I saw the fear and loneliness in his eyes.

"What's your name?" I asked.

"Eddie," he said.

"How old are you?"

"Ten."

"It's not a good idea to throw a ball against the building. It makes it hard for some of us to work."

"I know." He shrugged.

"If you know, then why do you do it?"

"Because I have no one to play catch with me," he replied.

My memory lit up with acts of kindness when I was a lonely child living in the small town of Montreat, North Carolina. Adult

neighbors had taken time to play tennis with me. They had invited me, the only girl in town, to play baseball or touch football with the boys.

Billy Graham's wife, Ruth, used to stop her car to see how I was or if I needed a ride somewhere. Years later, she befriended me when I was a very confused teenager who felt rather worthless. Were it not for her kindness and encouragement, I doubt I would be writing this editorial. Maybe I wouldn't have amounted to much. Maybe I would have gotten into serious trouble. Maybe I'd be dead.

Eddie and I started playing catch. I gave him tennis lessons and probably ruined his backhand for life. He told me all about himself and amused me with his stories. We became pals. He never threw a tennis ball against the building again.

We must protect ourselves from all people who have proven to be dangerous. But we should never abandon those who can be helped or are at least worthy of the effort. If you save or change one life, you have added something priceless to this world. You have left it better than you found it.

ADVANCED AVIONICS SUBSYSTEMS PROGRAM

Mr. WARNER. There is an issue involving the Navy's progress with the Advanced Avionics Subsystems project that should have been addressed in the conference report accompanying the fiscal year 1999 National Defense Authorization Act. Would the Senator from Pennsylvania care to enter into a colloquy regarding this issue.

Mr. SANTORUM. I thank the Senator from Virginia and would be happy to engage in a colloquy. The conferees noted the Navy's progress with the Advanced Technology Avionics Subsystems project as exemplified by its recent demonstration using Commercial-off-the-Shelf (COTS) technologies for avionics applications. The conferees were aware of the difficulties associated with using and integrating commercial technologies and recognized the merit of the project which is designed to develop viable solutions for transitioning affordable technologies.

Mr. WARNER. Because this project has been successful in identifying obstacles and rendering usable solutions for the implementation of COTS technologies, does the Senator concur with the recommendation that the Department of the Navy consider reprogramming funds to provide for the current year's shortfall and to fund the project at its prior years' level?

Mr. SANTORUM. Yes, for the reasons that the Senator from Virginia gave, I recommend that the Department of the Navy consider reprogramming funds to provide for the current year's shortfall for the Advanced Technology Avionics Subsystems project and to fund the project at its prior years' level.

Mr. THURMOND. I have been listening to the colloquy between the Senator from Virginia and the Senator from Pennsylvania and I wish to say that I agree with their remarks with respect to the Advanced Technology Avionics Subsystems project.

Mr. WARNER. I thank the Senator from Pennsylvania and the Senator from South Carolina.